IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 15461 of 2004(N)

PETITIONER:

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1. DR. M. DEVAKI NANDANAN,
   RETD. PRINCIPAL, K.K.T.M.GOVT.COLLEGE,
   PULLUT, THRISSUR, RESIDING AT "ANUGRAHA",
   MADATHIPARAMBIL, PULLUT VILLAGE,
   KODUNGALLUR TALUK.

2. C.K. RAJAN, RTD.PRINCIPAL,
   K.K.T.M.GOVT.COLLEGE, PULLUT,
   RESIDING AT `POURNAMI' PULLUT VILLAGE,
   KODUNGALLUR.

BY ADV. SRI.K.J.MOHAMMED ANZAR

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY THE
   COMMISSIONER AND SECRETARY,
   HIGHER EDUCATION, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE
   EDUCATION, THIRUVANANTHAPURAM.

3. THE ADMINISTRATIVE ASSISTANT,
   PRINCIPAL, K.K.T.M. COLLGE, PULLUT,
   THRISSUR DISTRICT.

4. THE DEPUTY TAHASILDAR, (R.R)
   TALUK OFFICE, KODUNGALLUR.

BY G.P. SMT.SMITHA SUKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE PHOTOCOPY OF THE NOTE DT.13.2.2003 ISSUED BY THE ADMINISTRATIVE ASSISTANT, K.K.T.M. COLLEGE PULLUT.

P2: TRUE PHOTOCOPY OF RELEVANT PAGES OF THE GOVT. ORDER GO(P) NO.171/99SH EDN. DT.21.12.99.

P3: TRUE PHOTOCOPY OF LETTER DT.7.2.2004.

P4: TRUE PHOTOCOPY OF LETTER DT.6.3.2004 SENT BY 1ST PETITIONER AS REPLY TO EXTS.P1&P3.

P5: TRUE PHOTOCOPY OF LETTER DT.NIL SENT BY 2ND PETITIONER AS REPLY TO EXTS.P1&P3.

P6: TRUE PHOTOCOPY OF RR NOTICE DT.23.4.2004 ISSUED TO 1ST PETITIONER.

P7: TRUE PHOTOCOPY OF RR NOTICE DT.23.4.2004 ISSUED TO 2ND PETITINER.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.15461 of 2004

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Dated this the 3rd day of December, 2007.

JUDGMENT

The petitioners who are retired Principals of College are challenging recovery proceedings for recovery of excess allowance drawn by them during their service. Ext.P1 is the demand which shows that the amount sought to be recovered is monthly allowance paid to the petitioners at the rate of Rs.500/- as Principal of the College. It is seen from Ext.P1 that petitioners were given special allowance without noticing it's withdrawal simultaneously on introduction of revised UGS scheme of payment. Since petitioners have received higher pay under the UGC scheme vide Ext.P2, the payment of allowance which was withdrawn with effect from 1.1.1990 was made under mistake and respondents are therefore entitled to recover the same. Since petitioners have no case that they did not get the revised pay under UGC Scheme from 1.1.1996, they are not entitled to special allowance which was wrongly given. In the circumstances, respondents are entitled to recover the allowance wrongly paid to the petitioners. The W.P. is devoid of any merit and is dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms